

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 WILLIAM BOSSEN, et al.,

11 Plaintiffs,

12 v.

13 BANK OF AMERICA, N.A., et al.,

14 Defendants.


CASE NO. C18-0294JLR

ORDER TO SHOW CAUSE

15 Defendants Bank of America, N.A. and KeyCorp (collectively, "Defendants")
16 removed this case from state court on February 26, 2018. (Not. of Rem. (Dkt. # 1);
17 Joinder in Rem. (Dkt. # 2).) On May 10, 2018, Plaintiffs William Bossen, Kelli
18 Hembree, Donald Burrows, Kala Murray, Darlene Wilgus, Jeanne Wertsbaugh
19 Startzman, Carol Hopkins, Darlene Conner, Heidi Whaley, Travis Jones, and Neil Evans
20 (collectively, "Plaintiffs") filed a second amended complaint. (SAC (Dkt. # 11).)
21 Subsequently, on June 21, 2018, Plaintiffs filed a third amended complaint against
22 Defendants. (TAC (Dkt. # 14).)

1 Plaintiffs purport that Federal Rule of Civil Procedure 15(a)(1)(B) allows them to
2 amend their complaint a third time. (*Id.* at 1.) However, Rule 15(a) only allows a party
3 to “amend its pleading once as a matter of course.” Fed. R. Civ. P. 15(a)(1). Plaintiffs
4 have already amended their complaint once—on May 10, 2018, when they filed their
5 second amended complaint. (*See* SAC.) As the Federal Rules instruct, “[i]n all other
6 cases, a party may amend its pleading only with the opposing party’s written consent or
7 the court’s leave.” Fed. R. Civ. P. 15(a)(2). Plaintiffs have neither provided evidence of
8 Defendants’ consent nor sought the court’s leave.¹ (*See generally* TAC; Dkt.)
9 Accordingly, the court ORDERS Plaintiffs to show cause within five (5) days of the date
10 of this order why the court should not strike the third amended complaint for failure to
11 comply with Federal Rule of Civil Procedure 15.

12 Dated this 26th day of June, 2018.

13 
14 JAMES L. ROBART
15 United States District Judge
16
17
18
19

20 _____
21 ¹ The court also notes that Plaintiffs did not “attach a copy of the proposed amended
22 pleading as an exhibit” that indicates “how it differs from the pleading that it amends by
bracketing or striking through the text to be deleted and underlining or highlighting the text to be
added,” as is required by Local Civil Rule 15. (*See* TAC); Local Rules W.D. Wash. LCR 15.
The court advises Plaintiffs to review and adhere to the Local Civil Rules for any future filings.